



Docket No.: 0010-1057-0



ATTORNEYS AT LAW

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 09/441,055  
Applicants: Yoshihiro USUDA, et al.  
Filing Date: November 16, 1999  
For: METHOD FOR PRODUCING L-METHIONINE BY  
FERMENTATION  
Group Art Unit: 1652  
Examiner: FRONDA, C. L.

SIR:

Attached hereto for filing are the following papers:  
**Request for Consideration of References Cited in an Information Disclosure Statement**  
**PTO-1449**

Our online credit card payment in the amount of **\$0.00** is being made covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
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Docket No.: 0010-1057-0

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: :  
YOSHIHIRO USUDA ET AL : EXAMINER: FRONDA, C. L.  
SERIAL NO. : 09/441,055 :  
FILED: NOVEMBER 16, 1999 : GROUP ART UNIT: 1652  
FOR: METHOD FOR PRODUCING L-METHIONINE BY FERMENTATION

REQUEST FOR CONSIDERATION OF REFERENCES CITED IN AN INFORMATION  
DISCLOSURE STATEMENT

COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

SIR:

With the Official Action dated February 7, 2008, the Examiner provided an initialed Form PTO-1449, which was originally filed on November 21, 2007, in which the Examiner crossed-off references AO (JP 49-35580) and AP (JP 56-35992) as having not been considered. Applicants submit that this lack of consideration is improper as these references were properly filed in compliance with the Disclosure requirements for submitting non-English references (see below). Accordingly, Applicants request that the Examiner acknowledge consideration of references AO (JP 49-35580) and AP (JP 56-35992) by providing an initialed copy of the enclosed new Form PTO-1449 listing these references.

The Examiner is reminded of the proper standard for compliance with the Disclosure requirement and the corresponding requirements for citation of foreign language documents. Applicants submit that these requirements have been complied with and request that the Examiner execute the duties of the Office and provide Applicants with an initialed Form

PTO-1449 acknowledging consideration of references AO (JP 49-35580) and AP (JP 56-35992) cited on Form PTO-1449 filed on November 21, 2007.

Each information disclosure statement must further include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information listed that is not in the English language.

The concise explanation may be either separate from the specification or part of the specification. (37 C.F.R. §1.98(a)(3)(1))

Further, MPEP §609.04(a)(III) defines the concise explanation as follows:

The requirement for a concise explanation of relevance is limited to information that is not in the English language. The explanation required is limited to the relevance as understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information at the time the information is submitted to the Office. If a complete translation of the information into English is submitted with the non-English language information, no concise explanation is required. An English-language equivalent application may be submitted to fulfill this requirement if it is, in fact, a translation of a foreign language application being listed in an information disclosure statement. There is no requirement for the translation to be verified. Submission of an English language abstract of a reference may fulfill the requirement for a concise explanation. ***Where the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office.*** This may be an explanation of which portion of the reference is particularly relevant, to which claims it applies, or merely an "X", "Y", or "A" indication on a search report. The requirement for a concise explanation of non-English language information would not be satisfied by a statement that a reference was cited in the prosecution of a United States application which is not relied on under 35 U.S.C. 120. (*emphasis added*)

With respect to references AO (JP 49-35580) and AP (JP 56-35992), Applicants submit that the requirements of 37 C.F.R. §1.98(a)(3)(1) have been met and consideration by the Examiner is compelled.

Specifically, the Information Disclosure Statement filed on November 21, 2007, was filed with English translations of the Japanese Office Action issued in the Japanese priority application (JP 10-326717). Applicants submit that the English translations of the Japanese Office Action and the explanations as to the content of the disclosures contained therein satisfies the requirement for a concise explanation of the relevance. Therefore, it is requested that the Examiner acknowledge consideration of references AO (JP 49-35580) and AP (JP 56-35992), which are re-listed on the attached Form PTO-1449.

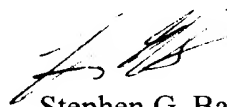
In view of the foregoing, Applicants submit that the Information Disclosure Statement filed on November 21, 2007, was proper. Nonetheless, to ensure proper consideration Applicants **submit herewith** a new Form PTO-1449 listing the references originally listed as references AO (JP 49-35580) and AP (JP 56-35992).

No fees are believed to be required for submission of this Form in view of the procedural errors at the Office. However, in the event that the Office determines that a fee is required, the Commissioner is hereby authorized to charge any additional fees which may be required for the papers being filed herewith and for which no check is enclosed herewith to Deposit Account No. 15-0030.

Applicants submit that the present application is now in condition for allowance. Early notification of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
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(OSMMN 08/03)